

Posted: _____

Remove: _____



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda

New Castle Town Council Regular Meeting

Tuesday, March 15, 2022, 7:00 PM

Starting times on the agenda are approximate and intended as a guide for Council. The starting times are subject to change by Council, as is the order of items on the agenda.

Virtual Meetings are subject to internet and technical capabilities.

[To join by computer, smart phone or tablet click HERE](#)

If you prefer to telephone in:

Please call: 1-346-248-7799

Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your phone to mute until called on

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

A. Proclamation Recognizing Parkinson's Awareness Month (7:05 p.m.)

B. Climate and Environment Commission Update to Council (7:15 p.m.)

Recess the Town Council Meeting, Convene as the Water & Sewer Enterprise

- C. Consider Ordinance E 2022-2, an Ordinance of the New Castle Water and Sewer Enterprise Amending Chapter 13.20 of the New Castle Municipal Code Concerning Tap Fees (2nd reading) (7:30 p.m.)**

Adjourn the Water & Sewer Enterprise, Reconvene the Town Council Meeting

- D. Update: LoVa Trail Project (7:40 p.m.)**

- E. Discussion: Road Impact Fees (8:00 p.m.)**

- F. Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402 (f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body of any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. (8:15 p.m.)**

Consent Agenda (8:30 p.m.)

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

[February 15, 2022 minutes](#)

[Hong's](#) Garden Hotel and Restaurant Liquor License Renewal

Staff Reports (8:35 p.m.)

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

Commission Reports (8:45 p.m.)

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

AGNC

GCE

EAB

Council Comments (8:55 p.m.)

Adjourn (9:15 p.m.)



Town of New Castle
Proclamation

WHEREAS, Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States;

WHEREAS, Parkinson's disease is estimated to affect approximately one million people in the United States and the prevalence will rise to 1.2 million by 2030;

WHEREAS, Parkinson's disease is the 14th leading cause of death in the United States according to the Centers for Disease Control and Prevention;

WHEREAS, it is estimated that the economic burden of Parkinson's disease is at least \$52 billion annually, including direct and indirect costs, including treatment, social security payments and lost income, to patients and family members;

WHEREAS, research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown;

WHEREAS, there is no objective test or biomarker for Parkinson's disease, and there is no cure or drug to slow or halt the progression of the disease;

WHEREAS, the symptoms of Parkinson's disease vary from person to person and can include tremors; slowness of movement and rigidity; difficulty with balance, swallowing, chewing, and speaking; cognitive impairment and dementia; mood disorders; and a variety of other non-motor symptoms;

WHEREAS, volunteers, researchers, caregivers, and medical professionals are working to improve the quality of life of persons living with Parkinson's disease and their families;

WHEREAS, increased research, education, and community support services such as those provided by the Parkinson's Foundation and other organizations are needed to find more effective treatments and to provide access to quality care to those living with the disease today;

NOW, THEREFORE, I, Art Riddile, Mayor of the Town of New Castle, Colorado, do hereby proclaim the month of April, 2022 as :

PARKINSON'S AWARENESS MONTH

Given under my hand in these free United States in the Town of New Castle, Colorado, and to which I have caused the Seal of the Town of to be affixed and have made this proclamation public.

ATTEST:

Melody Harrison, Town Clerk

Art Riddile, Mayor



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item: Climate Environment Commission Report
Date: 03/15/22
Purpose:

The purpose of this agenda item is to allow time for our Climate Environment Commission (CEC) to provide an update report on team accomplishments and endeavors that they would like to pursue in 2022. CEC Chairperson Denise Scheberle and Commission Member Bruce Leland will present this report.

In addition to the above report, one of the projects that CEC would like to pursue is a compost program which allows residents to subscribe to a collection service which would contract for curbside pickup of compostable materials. CEC has invited Alyssa Reindel from EverGreen ZeroWaste to join us and expand how a composting program in New Castle might work. Attached please see information from EverGreen ZeroWaste along with information from CEC to New Castle residents.

Brief list of CEC accomplishments in 2021

Attended the Boy Scout tree planting activity for Earth Day

Met with Zuleika Pevec, Clean Energy Program Coordinator, CLEER, to learn more about efforts to encourage rooftop solar. Helped inform residents about the Garfield Clean Energy Solarwise program through door hangers and the newsletter. The result was 12 new rooftop solar installations in New Castle, second only to Carbondale.

Through the newsletter, door hangers, social media, and educational materials given at the Community Market and during the parade, helped inform residents and children about wildfire dangers, the need to sign up for Reverse 911, the meaning of red flag and fire ban warnings, preparation for a quick evacuation, and how to avoid or minimize fire dangers in homes. Over 500 educational materials were distributed.

Produced two fire awareness videos and posted them on the town website.

Participated in the Burning Mountain Festival parade, distributing pollinator-friendly wildflower seeds as well as fire educational materials for children and adults. Approximately 200 seed packets with Reverse 911 cards were given along the parade route.

Created a banner to use during community events.

Met with town administrators to talk about the feasibility of a pollinator garden. Pollinator-supporting bushes and flowers were planted in the Rollie Gordon planters and along the Alder Park drainage. Plans for pollinator-education signage, using the Town's format and signs, are underway.

Worked with bilingual educators to distribute Smokey the Bear educational storybooks to children at the library.

Met with Alyssa Reindel, EverGreen ZeroWaste, to consider bringing a residential curbside composting service to the town.

Met with Mountain Waste Recycling to learn about recycling and waste management challenges and how to help educate residents. This was followed by several short newsletter articles on the "dos and don'ts" of recycling.

Established an email (CEC@newcastlecolorado.org) where residents could express their interest in volunteering.

Welcomed two new commissioners.

Revised and updated the workplan for 2022.

Climate and Environment Commission Plan for Future Actions (DRAFT, updated for 2022)

History of the Climate Action Plan

On April 3, 2007, Mayor Frank Breslin signed the U.S. Mayors Climate Protection Agreement as the Town Council fully committed to developing and implementing strategies to reduce greenhouse gas emissions. The Climate Action Advisory Commission, later named the Climate and Environment Commission (CEC), was created to help the town pursue the goals of this agreement. The goals included inventorying greenhouse gas emissions in city operations; adopting land-use policies that reduce sprawl, preserve open space; promote greener transportation options, such as bicycle trails and incentives for public transit or carpooling; making energy efficiency a priority through building code improvements, upgrades to water and wastewater treatment facilities, and purchases of vehicles and equipment; promoting tree planting for shading and carbon dioxide absorption; educating the public, schools, businesses, and the community about reducing greenhouse gasses.

Over the next thirteen years, the town made strides in addressing these goals, by installing roof-top solar on municipal buildings, installing electric vehicle charging stations, adopting efficient building codes, planting trees, gaining efficiencies at wastewater and water treatment facilities, and more. In 2020, the CEC decided build upon these goals, and the work continues in 2022.

CLIMATE AND ENVIRONMENT GOALS

1. Advise the council and educate the community about environmental issues, including climate change and its effects.
2. Provide guidance on individual and community activities that serve to reduce greenhouse gas emissions and protect the environment.
3. Advise and assist the town and community in transitioning to a more renewable and energy efficient future.
4. Advise the town in planning for and mitigating climate change impacts.

FOUR KEY STRATEGIES TO ACHIEVE THESE GOALS

1. Leading by example. Municipal government will continue to make its buildings and operations a model of energy efficiency and renewable energy while reducing energy costs.
2. Strengthening communication and education efforts of the CEC. The CEC should provide accurate and helpful information regarding climate change and environmental protection to stakeholders.
3. Networking with local and regional partners to provide incentives for wiser energy use, to increase local renewable energy supplies, and to encourage public awareness of likely impacts of a warming world.
4. Collaborating to acquire funding. The CEC and the Town Council will collaborate to seek funding to carry out environmental protection and climate mitigation goals.

ACTION STEPS TO MEET THE LONG-TERM GOALS

- 1. Providing educational programs and outreach**

- a. Create and implement educational programs for the public

Measurement of progress: development of an educational program about climate change and environmental protection that can be shared with community groups

Measurement of progress: development of an Earth Day activity, partnering with local organizations

b. Serve as a resource for individuals seeking more information about the topics of climate change, environmental protection, energy conservation.

Measurement of progress: in consultation with the town, provide additions to the CEC website and information for residents in the monthly town newsletter and weekly on-line newsletter

- c. Provide educational materials during the parade and community activities.

Measurement of progress: distributing age-appropriate materials to children about wildfires from the USFS and other government sources, distributing information to adults about wildfires, solar energy, pollinator gardens and other topics related to the CEC goals.

2. Creating opportunities for individual and collective action

a. Explore opportunities for planting of appropriate tree and vegetation species, with guidance on use of water-saving mulches and soil amendments, and encouraging citizens to protect pollinators

Measurement of progress: Find resources on native trees and vegetation, as well soil amendments, irrigation techniques, and proper planting procedures to reduce water consumption

Measurement of progress: Encouraging and educating residents about the value of native vegetation and the importance of pollinators, such as native bees

Measurement of progress: Enhance networks with the Garden Club and other organizations

Measurement of progress: look for more opportunities to enhance pollinator gardens created in 2021 and place educational signs, approved by the town, along pollinator-friendly vegetation

- b. Explore opportunities for composting and encourage effective recycling

Measurement of progress: establishing partnerships with local or regional organizations to increase composting and reduce waste

Measurement of progress: distributing educational materials about the environmental and community benefits of composting and effective recycling

Measurement of progress: seek to establish a curbside composting program for town residents

3. Transitioning to a more renewable and energy efficient future

- a. Encouraging energy efficiency activities and audits by homeowners

Measurement of progress: Connect and coordinate with regional partners such as GCE, CLEAR, and CORE and inform the public through various communication avenues about cost-effective ways to reduce energy use

b. Encouraging energy efficiency audits by businesses

Measurement of progress: Connect and coordinate with regional partners such as GCE, CLEER, CORE regarding effective ways to work with local businesses

c. Communicating with stakeholders regarding incentives for renewable energy, addition of insulations, storm windows, electric vehicles, residential solar panels, lighting, air conditioners, and other ways to save costs

Measurement of progress: Communicate information in town newsletter, website, and other appropriate media

Measurement of progress: work with GCE and other organizations to promote the Solarize program and other programs as appropriate

4. Planning for and mitigating climate change and environmental impacts

a. Understanding the increased risk of wildfires and how to mitigate and respond

Measurement of progress: Meet with appropriate town and fire officials to learn how to prepare and to improve fire-mitigation/prevention around homes and businesses

Measurement of progress: Communicate and offer guidance to residents. Consult with fire officials on how to best provide information to the community regarding fire dangers and how to minimize fire risk. Offer at least one outreach and educational program in 2022.

Measurement of progress: explore programs underway in other communities, including the Clearance Evacuation Time planning and other similar measures, that help ensure a safe and timely evacuation

b. Understanding the increased risk of drought and how to mitigate and respond

Measurement of progress: Meet with appropriate town officials and water conservationists to learn about how to prepare and minimize water usage among the public and the town

Measurement of progress: Understand the potential risk of water insufficiency with increasing town population and explore water conservation planning efforts underway in the town, considering the likely impacts of climate change

c. Fine-tune use of water and other environmental resources by town and community

Measurement of progress: Communicate with residents regarding most effective and efficient yard watering strategies through the CEC website and other communication avenues

Measurement of progress: Communicate and offer guidance for residents on water conservation



Welcome to EverGreen ZeroWaste

We're excited to help you responsibly manage your waste

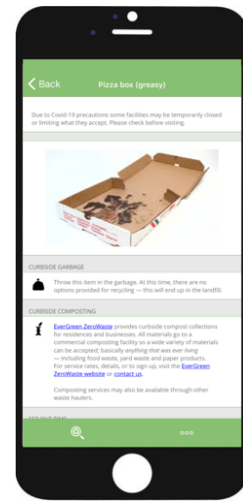
To keep up to date on service notifications, green events and waste diversion education we recommend following our Facebook page (www.facebook.com/evergreenzerowaste) and reading our monthly e-newsletters.

Next, to keep your bucket as clean and odor-free as possible, you'll either want to purchase compostable bags or line the bottom of your bucket with some form of compostable paper (newspapers, paper bags or cereal boxes work great.)

You'll also want to familiarize yourself with what can and cannot be put in your bucket. As a general rule, you can compost *anything that was ever living*. This includes all food scraps, most paper products (so long as they aren't coated in plastic) and yard waste. Food items must be kept in the bucket, but non-odorous compostables can be collected in a compostable bag, paper bag, cardboard box or durable container. There's no extra charge for extra materials set alongside your bucket.

Download the Love Zero Waste App

By using this app or visiting LoveZeroWaste.com, you can find answers to all your reuse, recycling and composting questions. Like whether that greasy pizza box should be recycled or composted (hint: compost!), as well as how to locally and responsibly dispose of other materials. If you're wondering about an item you don't see listed, just submit a suggestion to have it added.



The app is live and updated regularly to ensure its accuracy. Share the news with your friends and neighbors, as it's a free resource for everyone in our community. It's available in both Google and Apple app stores (just search "Love Zero Waste") and translates to Spanish with the push of a button!

Thanks again for choosing EverGreen ZeroWaste

We are a locally-owned, family-operated Public Benefit Corporation with the mission of making waste diversion more accessible and understandable to our surrounding communities. Please don't hesitate to reach out with any questions, comments or concerns. Happy Composting!



Compost Collection Guidelines

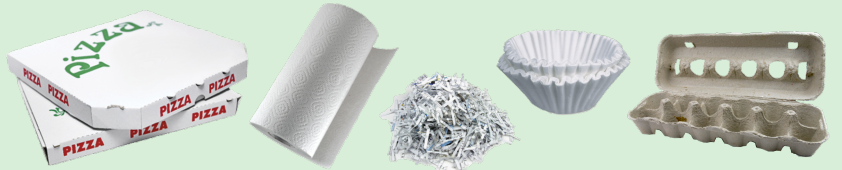
Visit LoveZeroWaste.com for more regional info about waste diversion.

Compostable Materials:

All food scraps including meat, bones, dairy, fruits, veggies & coffee grounds.



Paper without a plastic lining such as pizza boxes, cereal boxes, paper towels, construction paper & shredded paper.



Yard waste and plants like lawn clippings, leaves, twigs, potted plants & flowers.



No branches > 1" in diameter.

Natural materials like fur, hair, cotton balls & swabs, fireplace ash, toothpicks, chopsticks & wine corks.



Certified compostable to-go products. Any bags, dinnerware or to-go items must be clearly labeled "compostable."



CERTIFIED COMPOSTABLE!

Look for the following logos or symbols.



Common Compost Contaminants:

Frozen food containers



Plastic-lined disposable cups



Plastic-lined takeout containers



Dairy & soup cartons



Plastic bags



Disinfecting wipes



These labels **DO NOT** indicate compostable and should be landfilled:

- "earth-friendly"
- "made from plant starch"
- "biodegradable"
- "green"
- "oxodegradable"
- "eco-friendly"
- "bio"
- "made from plants"



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Memorandum

To: Mayor Riddile, Town Council and Water & Sewer Enterprise
From: Dave Reynolds
Subject: Agenda Item: Consider Ordinance No. E 2022-2 Adjusting Water & Sewer Tap Fees
Date: 03/15/22

Purpose:

The purpose of this agenda item is to consider Ordinance E 2022 -2, on second reading.

Ordinance E 2022-2 amends Chapter 13.20 of the New Castle Municipal Code regarding Water & Sewer Tap Fees. In previous meetings, Council reviewed reports which calculated facility wholesale values and current EQR costs. Council directed staff to prepare Ordinance E 2022-2 in order to make necessary adjustments to the town's water and sewer tap fees.

During the first reading of Ordinance E 2022-2, it was noted that wording in amended Chapter 13.20 Section 4c concerning "fractional EQR Units shall be prorated from the above fees" is wording that should apply to residential tap fees as well as commercial tap fees.

Ordinance E 2022-2 was approved on first reading with changes noted.

**TOWN OF NEW CASTLE, COLORADO
WATER & SEWER ENTERPRISE
ORDINANCE NO. E 2022-2**

AN ORDINANCE OF THE TOWN OF NEW CASTLE WATER & SEWER ENTERPRISE
AMENDING CHAPTER 13.20 OF THE NEW CASTLE MUNICIPAL CODE CONCERNING
TAP FEES

WHEREAS, the Town of New Castle (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of New Castle Home Rule Charter; and

WHEREAS, pursuant to Chapter 13.04 of the Town Municipal Code (“Code”), the Town has established the Town of New Castle Water and Sewer Enterprise (“Enterprise”) as an enterprise of the Town within the meaning of Article X, Section 20 of the Colorado Constitution, with Town Council serving as the governing body (“Governing Body”) of the Enterprise; and

WHEREAS, in accordance with Code Section 13.04.060, the Enterprise has the power and authority to set rates, fees, and charges for services provided by the Enterprise and to adopt ordinances in the manner in which Town ordinances may be adopted; and

WHEREAS, Chapter 13.20 of the Code outlines requirements for connection to the Town water and sewer utility systems, including payment of tap fees; and

WHEREAS, the Town imposes tap fees on all newly developed properties to offset the impacts of the new development and related demand on the Town’s infrastructure; and

WHEREAS, the Town has not increased tap fees since 2007, and it is important to regularly update such fees to ensure they are rational, fair, and equitable to meet current conditions and needs of the Town’s water and sewer system; and

WHEREAS, to evaluate current tap fees, Town staff conducted an extensive review of the Town’s utility infrastructure and used the “Rational Nexus” methodology to determine whether current tap fee values adequately mitigate the impact of new development on the system; and

WHEREAS, pursuant to the New Castle Public Works Memo dated January 26, 2022, Town staff determined that the financial impact of new development on the Town’s water and sewer infrastructure greatly exceeds the tap fees imposed by Code Section 13.20.060; and

WHEREAS, based on the development impact cost analysis and recommendations provided by Town staff, the Governing Body desires to amend the Code to increase tap fees in accordance with said recommendations and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF NEW CASTLE WATER & SEWER ENTERPRISE AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Governing Body.

2. Amendment. Chapter 13.20 of the Code is hereby amended as follows. Text in ALL CAPS indicates text that has been added, and text in ~~strike through~~ indicates text that has been deleted.

Chapter 13.20 – Water and Sewer Taps

13.20.060 – Tap fees.

C. The following tap fees shall be assessed, except as otherwise set by the town council:

1. Residential Water Service.

a. Fee for each EQR unit, where both the tap and all points of consumption are within the corporate limits of the town: ~~six~~ NINE thousand SEVEN HUNDRED dollars (~~\$6,000.00~~ 9,700.00).

b. Fee for each EQR unit, where the tap or any point of consumption is outside the corporate limits of the town: ~~ten~~ SIXTEEN thousand TWO HUNDRED dollars (~~\$10,000.00~~ 16,200.00).

2. Commercial Water Service.

a. Fee for each EQR unit, where both the tap and all points of water consumption are within the corporate limits of the town: ~~six~~ NINE thousand SEVEN HUNDRED dollars (~~\$6,000.00~~ 9,700.00).

b. Fee for each EQR unit, where the tap or any point of water consumption is outside the corporate limits of the town: ~~ten~~ SIXTEEN thousand TWO HUNDRED dollars (~~\$10,000.00~~ 16,200.00).

3. Residential Sewer Service.

a. Fee for each EQR unit, where both the water tap and all points of water consumption are within the corporate limits of the town: ~~six~~ NINE thousand SEVEN HUNDRED dollars (~~\$6,000.00~~ 9,700.00).

b. Fee for each EQR unit, where the water tap or any point of water consumption is outside the corporate limits of the town: ~~ten~~ SIXTEEN thousand TWO HUNDRED dollars (~~\$10,000.00~~ 16,200.00).

4. Commercial Sewer Service.

a. Fee for each EQR unit, where both the water tap and all points of water consumption are within the corporate limits of the town: ~~six~~ NINE thousand SEVEN HUNDRED dollars (~~\$6,000.00~~ 9,700.00).

b. Fee for each EQR unit, where the water tap or any point of water consumption is outside the corporate limits of the town: ~~ten~~ SIXTEEN thousand TWO HUNDRED dollars (~~\$10,000.00~~ 16,200.00).

G. EXCEPT FOR THE TAP FEE SURCHARGE PROVIDED FOR IN SECTION 13.20.060(F), EACH TAP FEE CHARGED UNDER THIS SECTION 13.20.060 SHALL BE SUBJECT TO AN AUTOMATIC ANNUAL ESCALATOR, WHICH ESCALATOR SHALL TAKE EFFECT AS OF JANUARY 1ST OF EACH CALENDAR YEAR AND EQUAL THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) FOR THE DENVER-AURORA-LAKEWOOD AREA.

H. THE FEES SET FORTH IN SUBSECTION (C) APPLY TO 1.0 EQR AND SHALL BE ADJUSTED FOR FRACTIONAL EQRS BASED ON THE TABLE OF EQUIVALENT UNITS SET FORTH ABOVE.

INTRODUCED on March 1, 2022, at which time copies were available to the Enterprise Governing Body and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a public meeting of the Enterprise Governing Body held on March 15, 2022, read by title and number, passed with amendments as set forth herein, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO
WATER & SEWER ENTERPRISE

By: _____
Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk

Letter of Deep Concern

To: Mayor Riddile & The New Castle Town Council

From: Steve Craven, CTS Investments, LLC

Regarding: Proposed Ordinance E 2022-2

Date: March 14, 2022

Acknowledging that these are not easy matters to address, and with all due respect to each involved, and especially Dave Reynolds and John Wenzel whose reports to the New Castle Town Council have attributed to the proposed Ordinance E 2022-2, I submit the following.

I do not tender this letter lightly. I have been significantly involved in the growth and future of the Town of New Castle ("the Town") for the last 25 years. This includes countless hours of working with the town to solve the major problems facing its future. More specifically, this includes working with the town to solve its water, wastewater, and road challenges that were at an impasse when I became involved in 1997. Most directly, it was rolling up my sleeves with Jeff Simonson as the Town Engineer, David McConaughy who became Town Attorney, and committees usually consisting of some combination of myself, Steve Rippey, Bill Wentzel, and Greg Russi. I brought to the table a background that enabled me to know how to address the entirety of these issues. The others came with their own expertise and the willingness to address the challenges. These are not easy matters to address, but together, we arrived at the truth of each issue, addressed it, and found solutions that enabled the town to be what it is today.

New Castle Comprehensive Plan ("Comp Plan")

Primary tenants of the New Castle Comprehensive Plan are as follows:

- Economic Health
 - Increase Retail Sales Tax
 - Diversity Businesses
 - Expand Local Employment: 40% employment of New Castle residents with the Town by 2030.
 - Sustainable Economic Growth
- Affordable Housing

To increase the cost of development unnecessarily hinders all these stated tenants of the Comp Plan by making the cost to provide for those desired outcomes more expensive, in a market that is forever struggling to make the cost of development work. Please note that the mass majority of the small amount of development that has occurred in the town in the last 13 years has been on lots that were acquired at pennies on the dollars as a result of bankruptcies stemming from the "2008 Downturn". It has not been financially feasible to

develop new lots in New Castle since that time. Those that are now willing to take the risk of developing, need all the help they can get to make it feasible. The addition of unnecessary fees will not help to achieve the above stated Comp Plan goals.

To support the desired goals summarized above requires that the development of both residential and commercial properties be economically viable. Residential is needed to support commercial development. Commercial development is needed to expand the town's tax base and to provide for local employment—both goals of the Comp Plan. There is no way around this. Applying fees that have no true nexus is contrary to these stated desired outcomes, and thus contrary to the Comp Plan.

Comp Plan Guiding Principles

Pages 53 & 54

- Goal CG-7: "New Castle shall require all new development to offset all negative development-related impacts based upon quantified fiscal impact analysis, traffic studies, and utility studies and to pay all cost related to new infrastructure, infrastructure extensions, parks development and service impacts."
- Policy CG-7A: "New Castle shall quantify applicable unit cost (per capita, cost per gallon, cost per acre, etc.) for basic services and update those costs annually to track costs and levels of service to the community." (I trust this means the use of actual numbers).
- Policy CG-7B: "New development will quantify impact on existing community levels of service and complete a fiscal impact analysis to show the economic effects of the development on New Castle's financial condition."

Pages 54 & 55

- #2. Infrastructure: "Adequate infrastructure for existing proposed new growth both on-site and off-site is a prerequisite to approval of the development. New Castle operates central water and wastewater utilities designed to accommodate urban development in a cost-effective manner..."
- Policy I-1A: New Growth Will Pay Its Way: "New development shall pay for on-site and off-site infrastructure improvements commensurate with the anticipated development demands based upon and acceptable engineering analysis."
- Policy I-1E: "New Castle will develop a five-year capital improvements plan that is coordinated with the comprehensive plan to ensure that there is adequate financing and facility planning to meet projected growth needs."

- Policy I-1F: “New Castle will track available water/sewer EQR availability to ensure adequacy for peak demand by existing land uses and will allow new development demand when new system capacity is available.”
- Policy I-1I: “Water & Sewer fees (user & tap) will be evaluated on an ongoing basis and updated regularly based upon the costs of operating the facilities, changing regulations and system depreciation.”

Water Tap Fees

John Wenzel’s January 26th Memo (the “Memo”) uses assumed values instead of actual values as clearly called for above.

- Average Household: 3.5 persons.
- Average Water Use Per Person: 100 gallon/day/interior.
- Peaking Factor: 2.5.
- Peak Daily Demand: 875 gallons.

The Nation Average

- Average Household: 2.6 persons.
- Average Water Use Per Person: 80 – 100 gallons/day/interior.
- Daily Peaking Factor: 1.8 to 2.5—many municipalities use 2.0.
- This would result in a maximum peak daily use of 650 gallons/day (2.6 X 2.5 X 100).

New Castle Comp Plan

- Average Household is stated as 2.66 residents per household.
- Average Water Use per Household: Non-Irrigation Season as low as 250 gal/day.
- Peak Daily Use per Household w/Irrigation: 780 gallons/day.

Observations

- Per the New Castle Comp Plan, peak use is substantially higher as a ratio to minimal use than the national averages. This suggests that conservation measures, instead of values supporting over watering, should be implemented.
- Neither the National Average Maximum Peak Daily Use, nor the Historical New Castle Uses as defined in the Comp Plan justify the use assumed in John Wenzel’s memo of January 26, 2022. To my knowledge, the Town tracks its associated uses. So, why aren’t those real-world values being used in the Memo?
- Additionally, other assumptions in the Memo seem to be in error.
 - As an example, the Water Wholesale Facility Valuation contains many improvements paid for by developers. In accordance with Town policy that new development will pay its own way, these types of facilities will be paid for by developers in the future. As in the past, these same developers will also be responsible for paying tap fees. This appears to be a double accounting of these costs.

- Including future facilities needs in the evaluation of current values is arguably not applicable without an accompanying summary of when they will be needed and if they will increase the number of EQR that can be served. The Comp Plan is not clear on this, so for the sake of this discussion they have been left in even though in a discussion with John Wenzel, he stated that the Town will be applying for a grant to address the desired Raw Water Irrigation Expansion.
- The Comp Plan does not discuss the need for any additional land for either its water or wastewater facilities in order to serve the Town long into the future. To include a value for land that was presumably paid for long ago, and when there is no stated need for additional land, does not appear to be appropriate. Furthermore, the values stated also seem to be unjustifiable.

Removing those facilities that I believe were previously paid for by developers who also pay tap fees, the land value, and using actual numbers expressed in the Comp Plan results in a very different outcome. I believe this list is relatively accurate but having just learn of the proposed ordinance this past Thursday (3.10.22), I have not been able to verify every item below.

- River Augmentation Station
- New Castle City Tank
- Castle Valley Tank
- Lakota Tank
- Castle Valley Pump Station
- Lakota Pump Station
- 16" Raw Water Transmission Line
- 12" Augmentation Station Water Line
- Land Value

Water Wholesale Facilities: Removing the above line items, the value drops from \$35,615,560 to \$21,340,000.

Treatment Plant Capacity: The Memo states that the treatment plant capacity is 2.52 million gallons per day. The Comp Plan states that in November of 2008, the voters approved a bond to expand the capacity of the plant to 3.5 million gallons per day. Not having time to confirm the plant capacity, for the sake of this scenario, I will use the lower capacity stated in the Memo that may be understated.

Scenario One

- Water Wholesale Facilities: \$21,340,000
- Plant Capacity as stated in 1/26 Memo: 2,520,000 gal/day
- Maximum Peak Demand (per Comp Plan): 780 gallons/day
- EQR w/o Depreciation: $21,340,000 / (2,520,000 / 780) = \$6,605$
- EQR with 20% Depreciation: $17,072,000 / (2,520,000 / 780) = \$5,284$

Scenario Two (High End of National Averages & No Depreciation)

- Asset Value: \$21,340,000
- Maximum Peak Demand: 650 gallons/day
- Plant Capacity 2,520,000
- $\text{EQR} = 21,340,000 / (2,520,000 / 650) = \mathbf{\$5,504}$

Wastewater

- The Comp Plan states that “in 2007, New Castle served 1,593 EQR with 1,725 additional EQRs approved but not connected... The current plus approved numbers noted above yield a total existing obligation of 3,318 EQR.” It goes on to say, with the expansion of the plant capacity to 600,000 gal/day (reported current capacity), the treatment plant “is sized to serve the undeveloped land within the Town’s municipal boundary. This certainly would include the 3,318 EQR stated above, and possible a number of additional EQR. To then conclude that the current plant capacity can serve at least 3,318 EQR versus the stated capacity of 2,857 EQR in the Memo should be a reasonable assumption.
- There has been very limited growth since 2007, so according to the above, the plant should be at approximately 50% of capacity. Given this, there is a very good reason to eliminate all of the “Future” expenses shown in the Memo. If they were to be included, need would have to be proven, additional capacities that they would create accounted for in the model, and ultimately true Rational Nexus established. Also, items that have been or will be paid for by others should not be included under any scenario.

Adjustment to the Table of Wastewater Wholesale Facilities as presented in the Memo.

Eliminate

- All “Future” line items.
- Items that will be or have been paid for by others.
- Land Value (prior reasoning).

Tap Fee Evaluation

- This leaves remaining the stated Water Treatment Plant value of **\$21,600,000**
- Resulting Tap Fee w/o Depreciation: $21,600,000 / 3,318 \text{ EQR} = \mathbf{\$6,510 \text{ per EQR}}$
- Resulting Tap Fee with Depreciation of 20%: $17,280,000 / 3,318 \text{ EQR} = \mathbf{\$5,208 \text{ per EQR}}$

Rational Nexus (the method reportedly used in the Memo): By definition, “Rational Nexus” is: “To meet the rational nexus test, a local government must be able to demonstrate there is a reasonable connection between the need for new public infrastructure to be funded by impact fees, the new development on which those fees are levied and the benefits obtained by the development as a result of paying the fees.”

Given the above, I cannot see how the proposed Ordinance E-2022-2 meets the requirements of “Rational Nexus”, or how it serves the Guiding Principles, Goals, or Policies of the Comp Plan.

It appears that the current Town of New Castle Tap Fee Rates should be adequate. To test that conclusion, the tap fees of the service areas with a population of 5,000 or more along the I-70

corridor from Grand Junction to Glenwood Springs, and then along the Hwy 82 corridor from Glenwood Springs to Basalt were collected for comparison. Please see the attached table (Water & Wastewater Tap Fees: as of 3.11.22) representing a summary of the same. As one can see, the Town of New Castle's current fees are very much in line with each of the other service areas. To dramatically increase the town's fees would put it in a disadvantage with respect to its ability to attract the desired expansion of its "Economic Health" as stated in the Comp Plan.

Challenging issues such as the proposed Ordinance E 2022-2 is not something I enjoy doing. I do this only because I believe that moving forward with this ordinance without an in-depth analysis as to how to address these issues in a cost-effective manner (New Castle Comprehensive Plan Guiding Principles), and in accordance with the stated goals of the New Castle Comprehensive Plan, would be a vital mistake.

Sincerely,

Steven Craven
CTS Investments, LLC
720.626.2410

Water & Wastewater Tap Fees: as of 3.11.22

Criteria

Western Colorado

- 1) I-70 Corridor: Grand Junction to Glenwood Springs
- 2) Hwy 82 Corridor: Glenwood Springs to Basalt
- 3) Service Areas: Serving populations of 5,000 or more.
- 4) Service: 1 residential EQR--both water & wastewater.

Service Areas	Grand Junction	Rifle	New Castle (proposed)	Glenwood Spr.	Carbondale	Basalt/Mid-Valley (average)
Water	5,180.00	5,915.29	9,700.00	6,964.91	6,060.00	5,173.50
Wastewater	5,219.00	5,826.71	9,700.00	4,178.95	4,420.00	7,348.00
Total	10,399.00	11,742.00	19,400.00	11,143.86	10,480.00	12,521.50
New Castle (as a % of other service areas)	186.56%	165.22%	100.00%	174.09%	185.11%	154.93%



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Memorandum

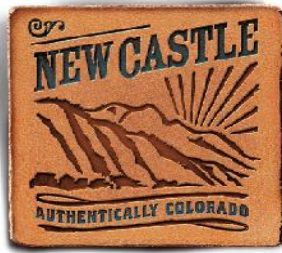
To: Mayor Riddile, Town Council and Water & Sewer Enterprise
From: Dave Reynolds
Subject: Agenda Item: LoVa Trail Update
Date: 03/15/22

Purpose:

The purpose of this agenda item is to provide an update to Council regarding the LoVa Trail.

Staff has been working over the last several years on various planning, permitting, funding, and preconstruction elements of the LoVa Trail heading east from New Castle to the Canyon Creek area. Staff has also been working in partnership with Glenwood Springs on the Meet Me in the Middle section of LoVa Trail which is designed to extend westward from Glenwood Springs, several hundred feet toward South Canyon.

On Monday March 7th staff received and opened bids for the western project which includes rock scaling efforts at Tibbitts Point and a new pedestrian bridge crossing the Colorado River, just east of Nutrient Farms near the Colorado Parks and Wildlife Offices at I-70 exit 109. Bids received for this project were in excess of budgeted funds. Staff has discussed options to make changes to the scope of work along with other options to work with funding agencies to complete at least a portion of the work. Staff will use this agenda time to provide an update of the project and discuss the options for moving forward.



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Memorandum

To: Mayor Riddile & Town Council
From: Dave Reynolds
Subject: Agenda Item: Discussion of Road Impact Fees
Date: 03/15/22
Purpose:

The purpose of this agenda item is to discuss *Road Impact Fees* associated with growth and development.

In many municipalities, steps are taken to mitigate the costly impacts of growth on existing roads by implementing a *Road Impact Fee*. This fee is assessed to new construction or the renovation of residential, commercial, and industrial buildings. *Road Impact Fees* are designed to help offset the excessive wear and tear that is common with community, commercial and industrial growth. Whether it be from use of heavy equipment needed during the construction phase, the added traffic associated with new housing and commercial facilities, the additional trucking that comes with commercial and industrial development, increases in average daily trips, or a host of other related causes; it can not be denied that more buildings, more vehicles, more industry, and more growth all add significant wear on our existing streets and roads.

In recent Planning and Zoning meetings this topic was raised and discussed with Commission members and our town attorney. Based on information provided by our legal team, it was determined that a Road Impact Fee is feasible in New Castle under the following guidelines:

- The Town needs to conduct a study to determine the estimated impacts to town roads which may be attributed to growth.
- The Town must apply any new fee equally among all areas of town for all types of new construction
- New fees may not overlap any existing fees.
- Funds collected shall be used for the purposes identified, in this case to help offset the costs incurred from added road use.

Nationwide, road impact fees are a common tool to offset impacts associated with various types of growth. In our immediate area these fees, or similar, are already being charged by Garfield County, Pitkin County, Eagle County, and Glenwood Springs. Typically, these fees are assessed at time of building permit and are often charged as a dollar amount per heated square foot of building being built.

Staff wishes to introduce this idea to Council and gain direction on any further study of this concept.

1 **New Castle Town Council Regular Meeting**
2 **Tuesday, February 15, 2022, 7:00 PM**

3
4 Virtual Meetings are subject to internet and technical capabilities.

5
6 [To join by computer, smart phone or tablet click HERE](#)

7
8 If you prefer to telephone in:
9 Please call: 1-346-248-7799
10 Meeting ID: 709 658 8400

11
12 Follow the prompts as directed. Be sure to set your
13 phone to mute until called on

14 **Call to Order**

15 Mayor A Riddile called the meeting to order at 7:00 p.m.

16
17 **Pledge of Allegiance**

18
19 **Roll Call**

20 Present	Councilor Mariscal
	Councilor Owens
	Councilor Hazelton
	Mayor A Riddile
	Councilor Copeland
	Councilor Leland
	Councilor G Riddile
27 Absent	None

28
29 Also present at the meeting were Town Administrator Dave Reynolds, Town Clerk Melody
30 Harrison, Town Planner Paul Smith, Public Works Director John Wenzel and members of
31 the public.

32
33 **Meeting Notice**

34 Town Clerk Melody Harrison verified that her office gave notice of the meeting in
35 accordance with Resolution TC 2022-1.

36
37 **Conflicts of Interest**

38 There were no conflicts of interest.

39
40 **Agenda Changes**

41 Clerk Harrison told the council that staff wished to add two resolutions to the consent
42 agenda. They were Resolutions TC 2022-08, and TC 2022-9, both were in support of
43 FMLD grant applications for the spring mini grant and spring traditional grants,
44 respectively. Clerk Harrison said that both resolutions will come back to the council on
45 March 1 for ratification. The council agreed.

1 **Citizen Comments on Items not on the Agenda**

2 There were no citizen comments.

3
4 **Consultant Reports**

5 Consultant Attorney – not present.

6 Consultant Engineer – not present.

7
8
9 **Items for Consideration**

10
11 Town Administrator Dave Reynolds told the council that Tom Fuller had yet to arrive, and
12 he suggested that the council move on to items C, D and E pending Mr. Fuller’s arrival.
13 The council agreed

14
15 **Consider Ordinance TC 2022-3 - an Ordinance of the New Castle Town Council**
16 **Amending Chapter 15.44 of the New Castle Municipal Code Concerning an**

17 **Historic Survey Cycle (2nd Reading)** Town Administrator Dave Reynolds told the
18 council that the ordinance was the second reading, and that nothing had changed since
19 first reading.

20 Councilor Leland said that the title had changed slightly in that the grammar was
21 corrected. He explained the correction.

22 **MOTION: Mayor A Riddile made a motion to approve Ordinance Tc 2022-3, an**
23 **Ordinance of the New Castle Town Council Amending Chapter 15.44 of the New**
24 **Castle Municipal Code Concerning an Historic Survey Cycle on 2nd reading.**
25 **Councilor Mariscal seconded the motion and it passed on a roll-call vote: Mayor A**
26 **Riddile: yes; Councilor G Riddile: yes; Councilor Leland: yes; Councilor Hazelton:**
27 **yes; Councilor Owens: yes; Councilor Copeland: yes; Councilor Mariscal: yes.**

28
29
30 **Consider Ordinance TC 2022-5 - an Ordinance of the New Castle Town Council**
31 **Amending Chapter 1.16 of the New Castle Municipal Code Concerning Elections**
32 **(1st reading)**

33 Clerk Harrison told the council that some years ago the statutes changed regarding
34 elections to include overseas voters in municipal elections. That in turn changed the
35 timelines of municipal elections. Previously, the code stated that an election could be
36 cancelled twenty days prior to the election provided that there were no more candidates
37 than there were available seats. She said that also in that code section was language
38 regarding the processes for write-in candidates. When the code was changed to align the
39 election cancellation date to sixty-four days before the election in accordance with
40 statutes, the write-in process had also changed and was removed from the code. Clerk
41 Harrison said the statutes had changed again, and they provide that municipalities should
42 include language regarding write-in candidates and election cancellation.

43 Councilor Leland said that the language in the ordinance regarding cancellation only
44 referenced petition candidates and he felt it should also include write-in candidates. He
45 said that he also felt that the process for write-in candidates should be in its own code
46 section.

1 **MOTION: Councilor Leland made a motion to approve Ordinance TC 2022-5, an**
2 **Ordinance of the New Castle Town Council Amending Chapter 1.16 of the New**
3 **Castle Municipal Code Concerning Elections, amending it to include a new section**
4 **title for the paragraph on write-in candidates on 1st reading. Councilor Hazelton**
5 **seconded the motion and it passed on a roll-call vote: Councilor Owens: yes;**
6 **Councilor G Riddile: yes; Councilor Copeland: yes; Councilor Hazelton: yes;**
7 **Councilor Mariscal: yes; Mayor A Riddile: yes; Councilor Leland: yes.**
8 **Consider Resolution TC 2022-7 - a Resolution of the New Castle Town Council**
9 **Approving an Intergovernmental Agreement with Garfield County Clerk &**
10 **Recorder for Election Services**

11 Clerk Harrison told the council that the IGA was a regular requirement when the town
12 utilized the ballot counting machines owned by Garfield County. She said that the county
13 formatted the ballots to work with the machines, and that the county will also provide
14 staff members to help with the machines on election day.

15 **MOTION: Councilor Owens made a motion to approve Resolution TC 2022-7, a**
16 **Resolution of the New Castle Town Council Approving an Intergovernmental**
17 **Agreement with Garfield County Clerk and Recorder for Election Services.**
18 **Councilor Mariscal seconded the motion and it passed unanimously.**
19
20

21 **Consider a Letter of Interest from Tom Fuller for Appointment to an Alternate**
22 **Seat on the Historic Preservation Commission**

23 Mayor A Riddile told the council that the Chair of HPC, Mari Riddile, was unable to be in
24 attendance because she was ill.

25 Mayor A Riddile greeted Mr. Fuller and said that his letter of interest showed that he had a
26 lot of experience. Mayor A Riddile invited Mr. Fuller to tell the council about himself, his
27 work experience and why he wants to be part of the Historic Preservation Commission.

28 Mr. Fuller told the council that he recently bought a home in New Castle and he was happy
29 to be here. Mr. Fuller said he returned to Colorado in 2017, working for the Forest Service
30 in Glenwood Springs as the Heritage Program Manager and Tribal Liaison. He said he had
31 graduated from Colorado Mountain College and then went to Ft. Lewis College and
32 obtained a degree in anthropology, archaeology and a minor in history. When he heard
33 that New Castle had seats open on HPC he applied. He said that he worked with four
34 historic preservation groups as well as several others across the state on various
35 preservation projects. Mr. Fuller said that he had experience in restoration of historic
36 properties, but unfortunately did not have any grant-writing experience. Mr. Fuller said he
37 was glad to help in any way he could.

38 Councilor Leland asked what work Mr. Fuller did with tribes.

39 Mr. Fuller said that he started out doing cultural resource management in private
40 archaeology, working with the Ute Indian Tribe of the Uintah and Ouray Reservation. He
41 also worked with the Standing Rock Tribe with Metcalf Archaeology in North Dakota. He
42 said that since he been a federal archaeologist he had worked with many tribes, and that
43 he was generally the first point of contact as related to things that might affect the tribes
44 such as the Grizzly Creek Fire.

45 Mayor A Riddile said that Mr. Fuller will be working with a great group of people on HPC.

1 **MOTION: Mayor A Riddile made a motion to appoint Tom Fuller the ab alternate**
2 **seat on the Historic Preservation Commission. Councilor Mariscal seconded the**
3 **motion and it passed unanimously.**
4

5
6 **Discussion Regarding Tap Fees**

7 Administrator Reynolds told the council that staff had been discussing the town’s tap fees.
8 He explained that tap fees were a fee charged at building permit that essentially
9 represented an investment in the water, wastewater, and distribution systems
10 infrastructure of the town. It helped offset the cost of improvements and maintenance.

11 Administrator Reynolds said that staff has looked at tap fees they had not been updated
12 since 2007. Staff felt that it was appropriate to have the council review tap fees for
13 possible adjustment. Administrator Reynolds noted that if taps fees had been adjusted
14 over the years at the consumer price index, they would be at about \$8,200.00. He added
15 that Public Works Director John Wenzel had done some deep research regarding industry
16 standards for developing tap fees and justifications for fees.

17 Administrator Reynolds said that research had been done to determine what taps fees
18 were being charged in the area, but he cautioned the council that what the neighbors
19 were charging was unique to every town and not reflective of what New Castle might need
20 because the infrastructure and needs were different in every town.

21 Public Works Director John Wenzel said that in his research he found an evaluation
22 process used by municipalities called the rational nexus. He said that rational nexus was a
23 universally accepted practice to determine all types of impact fees. In fact, it was the
24 process used by engineers at SGM to determine appropriate tap fees for the City of
25 Glenwood Springs in 2015. Director Wenzel said that his memo to the council had been
26 reviewed by Administrator Reynolds, Town Engineer Jeff Simonson and Assistant Town
27 Attorney Haley Carmer and they all agreed that it was fair and appropriate.

28 Director Wenzel reviewed the rational nexus process and explained in detail the
29 information included in his memo.

30 Council and staff discussed the tap fee rate increases in the future being tied to the
31 consumer price index or perhaps on an annual accelerator. They also discussed the
32 significance of prior rate increases, as well as the need for the town to reserve funds for
33 raw-water infrastructure which would reduce the impact on the potable water systems as
34 well as wastewater.

35 The council agreed that both water and sewer tap fees should be \$9,700.00 each for
36 water and sewer taps for in-town addresses, and \$16,200.00 each for out-of-town
37 addresses. They also agreed that the accelerator should be added that is tied to a
38 consumer price index and subject to annual review.

39
40 Mayor A Riddile said that he wanted to remove the two resolutions from the consent
41 agenda so the council could read them. The council agreed.
42

43
44 **Consent Agenda**

45 January 18, 2022 minutes

46 February 1, 2022 minutes

1 **MOTION: Mayor A Riddile made a motion to approve the consent agenda without**
2 **the resolutions. Councilor Leland seconded the motion and it passed**
3 **unanimously.**

4
5 Councilor Hazelton asked if the resolutions could be approved since they had not been
6 noticed.

7 Administrator Reynolds said they could be approved and signed by the Mayor, and will
8 come back at the next meeting to be ratified. He said that the grant applications they
9 supported were due prior to the next council meeting which was why staff had added
10 them to the agenda.

11 Administrator Reynolds explained that the mini grant was for flooring replacement of all
12 the carpeting in the town hall.

13 Director Wenzel explained that the ask on the traditional grant was to: resurface all the
14 asphalt trails that parallel Castle Valley Boulevard; resurface of the asphalt trail behind
15 Burning Mountain subdivision; add trail along Castle Valley Boulevard between Shibui and
16 City Market where there was no trail resurface the underpass by Kathryn Senior
17 Elementary School.

18
19 **Resolution TC 2022-8 – Supporting an FMLD Grant Application for Town Hall**
20 **Flooring**

21 **MOTION: Councilor Leland made a motion to approve Resolution TC 2022-8, a**
22 **Resolution of the New Castle Town Council Supporting an Application for a Grant**
23 **from the Garfield Federal Mineral Lease District for the Replacement of Town**
24 **Hall Flooring. Councilor G Riddile seconded the motion and it passed**
25 **unanimously.**

26
27 **Resolution TC 2022-9 – Supporting an FMLD Grant Application for Trails**

28 **MOTION: Councilor Leland made a motion to approve Resolution TC 2022-9, a**
29 **Resolution of the New Castle Town Council Supporting the Application for a**
30 **Grant from the Garfield Federal Mineral Lease District for the Repair and**
31 **Replacement of Solid Surface Trails Throughout the Town of New Castle.**
32 **Councilor Copeland seconded the motion and it passed unanimously.**

33
34
35 **Staff Reports**

36 Town Administrator – Administrator Reynolds told the council that staff continued to work
37 with Garfield County on the Emergency Management Plan. He said that the county
38 updated the plan every few years and held meetings with municipalities to review and
39 make corrections to the plan. He said staff had a number of items to update regarding
40 New Castle and they should have that corrected plan back to the town soon. Administrator
41 Reynolds said that sadly, the ice rink was melting. He said that staff had done an amazing
42 job trying to keep it going. He said they had learned a lot and it will likely come back in
43 another cold winter. Administrator Reynolds said that a conditional use permit application
44 will be coming to the town very soon for the property just west of the public works facility.
45 Administrator Reynolds said that he had mentioned previously that the Town of Silt would
46 love to have a combined work session with New Castle, and that was now scheduled for
47 March 15, 2022. He said that meeting will be in the community center across the street.

1 He also said that there were a few topics on the agenda thus far, and dinner will be
2 served. Administrator Reynolds said that staff was working on the FMLD grant
3 applications. Administrator Reynolds said that the LoVa Trail project was still alive. He said
4 that himself, Jeanne Golay, Town Engineer Jeff Simonson and the engineer from
5 Glenwood Springs met the week prior with the LoVa Board. Administrator Reynolds said
6 that the town's project for LoVa was out to bid. He said the Glenwood Springs side of the
7 project will be released to bid very soon. He said that there was anticipation that they
8 would not be near budget, but Ms. Golay will go to the RFTA board for funding as well as
9 some private donors. Administrator Reynolds said that the FMLD board has asked that
10 LoVa meet with them monthly to keep the board up to date on the project because it was
11 holding up a lot of FMLD funds. Administrator Reynolds said that they were still working
12 with Ando Bruno, the owner of the property that the LoVa Trail will go through.
13 Administrator Reynolds told the council that there had been a water line break on Main
14 Street and water was off for a while during repairs. Administrator Reynolds said he will be
15 out of the office on Friday. Administrator Reynolds said that at the next council meeting
16 they will hear about the Detox Center. Debbie Wilde and Roger Sheffield will attend and
17 provide an update to the council and possibly a funding request. Administrator Reynolds
18 said there will be a report at the next meeting from the Capital Committee as well as a
19 presentation from U.S.G.S. who wanted to place some metering equipment on Elk Creek.
20 Administrator Reynolds recalled for the council that Planner Smith had brought some new
21 code sections to the council for approval that implemented some standards for the
22 installation of 5G cell towers. Administrator Reynolds said that there were now companies
23 wanting to place towers in town. He said he and Planner Smith were working with the
24 company. He commended Planner Smith for being proactive 2 years ago. Administrator
25 Reynolds said that the town had an agreement with New Hope Church for use of their
26 park space/volleyball court and in turn the town paid for the water to maintain the park.
27 The agreement expired, and staff was looking at the agreement and it will be brought
28 back to council. Administrator Reynolds said that staff was continuing to work on the solar
29 panel buyout of the array on the public works building. Staff just received the study today
30 and will review it and advise council on potential review.
31 Mayor A Riddile asked if there were any more definitive answers regarding the American
32 Rescue Act funds. Administrator Reynolds said that the town had received a notebook
33 regarding those funds which he had studied in depth. He that probably the best use for
34 those funds would be for utilities infrastructure, although there may be an opportunity to
35 use the funds for lost revenues. The process for determining that was complicated, but it
36 could be that the 1.2 million dollars the town received could be considered 'lost revenue'
37 and put into the general fund.
38 Town Clerk – Clerk Harrison said that herself, Deputy Town Clerk Mindy Andis and
39 Administrative Assistant Remi Bordelon had gone to Garfield County to complete the Logic
40 and Accuracy Test on the ballot counting machines that will be used at the April 5
41 election. Clerk Harrison also said that she had picked up the ballot packets for the
42 overseas voters and had to make some corrections to the voter instructions included
43 because they were related to Title 1 elections rather than Title 31 elections. Clerk Harrison
44 answered an earlier question posed about overseas voters voting in a New Castle election
45 when they were no longer residents of New Castle. She said that yes, persons who had
46 failed to change their home address will be sent a ballot and they could vote that ballot as
47 well. She told the council that municipal clerks were not charged with the authority to

1 monitor voter honesty or investigate anything about voters other than whether they are
2 actually registered to vote in New Castle. She said that voters are required to sign an
3 affidavit on the ballot envelope that certifies they are eligible to vote in New Castle. If
4 they are lying, then they are effectively perjuring themselves and can be prosecuted for
5 that. Similarly, candidates for office also signed an affidavit where they verify their
6 eligibility to be in office, and clerks are not required to further investigate candidate
7 eligibility. Clerk Harrison said that the overseas ballots have been mailed. Clerk Harrison
8 said she had sent all the candidate biographies to the newsletter staff for publication in
9 next month's newsletter. Clerk Harrison told the council that she and Admin. Asst.
10 Bordelon had been doing some research regarding the codification of the town's municipal
11 code. Clerk Harrison said that she would be on vacation from February 16 through
12 February 23.

13 Town Treasurer – Town Treasurer Loni Burk said the in regard to the ARPA funds, they
14 town was coming up on an annual reporting deadline, and that was to report how the
15 funds had been spent. In addition, she was going to need to make an account with the US
16 Treasury and assign an account administrator and point of contact and authorized
17 representative for reporting. She said that the town had not spent any of the funds, so
18 there would not be anything to report. Treasurer Burk said that Assistant Treasurer
19 Viktoriya Ehlers was on a well-deserved vacation, and Administrative Assistant Rochelle
20 Firth had been a great help in finance.

21 Town Planner -

22 Public Works Director – Director Wenzel said that on February 23 he will meet with P&Z
23 and discuss some new street and sidewalk design criteria that he hopes to include in the
24 public works manual and municipal code to help with some of the development review
25 processes. Director Wenzel said that they had a soft date of March 16 set for a dog park
26 meeting. He said he will have information to Councilor Leland for the newsletter soon. He
27 said that part of what will happen at that meeting will be to identify locations and possible
28 parameters for the parks. Mayor A Riddile said that the Elk Creek Elementary school 5th
29 grade STEAM class was interested in being involved in the dog park project. Director
30 Wenzel said that he had four candidates scheduled for interviews for the streets foreman
31 position. Director Wenzel said had a meeting with Kuersten construction regarding the
32 bio-solids drying facility, and they were working towards finalizing that contract.

33
34

35 **Commission Reports**

36 Planning & Zoning Commission – nothing to report.
37 Historic Preservation Commission – nothing to report.
38 Climate and Environment Commission – nothing to report.
39 Senior Program – nothing to report.
40 RFTA – nothing to report.
41 AGNC – nothing to report.
42 GCE – nothing to report.
43 EAB – nothing to report.

44

45 **Council Comments**

46 Councilor Mariscal said she had received a call on Valentine's Day from a Latino man who
47 was angry because his family was in a car accident and felt the New Castle officer was

1 racist against him, and he said he was going to the media. She said that after getting
2 more information from the man and speaking to Administrator Reynolds, it turns out that
3 it was not a New Castle officer, but state patrol, and there was nothing the town would be
4 able to. She said that the man had sent text messages, phone calls and photos of the
5 family in the hospital and a video of the interview with the state patrol officer.
6 Administrator Reynolds said he had spoken to the man, and the gentleman understood
7 the town was not involved in the situation, but he was trying to use the town in a way
8 that probably was not okay. Administrator Reynolds said that he had been clear in his
9 conversations and the man would likely not reach out to the town again.
10 Councilor Mariscal received a call from a woman about tap fees, water bills and dog parks.
11 Councilor Owens said he had spoken to several camper/RV owners, and they loved the
12 bulk water station, but one thing they had a hard time locating was an RV dump station.
13 He said that he thought it might be a good idea for the town to consider a dump station in
14 the future, perhaps by the wastewater plant.
15 Councilor Hazelton said that one of the issues at the Rifle dump station was illegal
16 dumping of chemicals which was why the station had closed. The issue is having to
17 monitor the stations at all times. Director Wenzel agreed that illegal dumping was the
18 primary reason municipal dump stations were complicated and ended up closing.
19 Councilor Leland said the railroad crossing may be an issue.
20 Staff agreed the idea could be explored.
21 Councilor Owens asked where Frank Breslin's picture had gone. Clerk Harrison said that
22 Frank kept jumping off the shelf, so he was hanging out in the clerk's office for the time-
23 being, until she remembered to bring something to secure the frame to the wall.
24 Councilor G Riddile asked what Dow Rippy was up to because there was more excavating
25 taking place. Administrator Reynolds said that the answer given from Mr. Rippy was that
26 he was prepping the land for sale, getting the lots ready. Mayor A Riddile said that there
27 continued to be dirt on the road, but continuous monitoring probably wasn't necessary.
28 Councilor Leland said that at the Lions Club meeting they had been approached by
29 anonymous donor to place bench on Mt. Medaris and on Prendergast. Administrator
30 Reynolds said the anonymous person had approached the town in the fall and staff felt
31 that waiting until the spring was better. He said he did not know that two benches were
32 proposed. He explained the process that had been identified to get the bench installed.
33 Councilor Leland said that Symphony in the Valley would be performing in New Castle at
34 New Hope Church. He said it had been a big deal getting them to come to New Castle the
35 first time, and now they were coming back at least once per year. He said that they will
36 be playing Peter and the Wolf on Saturday, February 26.
37 Mayor A Riddile said that Peter and the Wolf will also play at the Ute Theater in Rifle. He
38 said he was taking his granddaughter to the performance.
39 Councilor Copeland said that there was quite a bit of mud on S. Wildhorse where new
40 homes were being built.
41 Councilor Copeland asked if the speed limit on Main Street near the Ambleside School will
42 be lowered. Administrator Reynolds said that Admin. Asst. Firth had completed the
43 necessary CDOT application. Because there are two schools on Main Street, CDOT wanted
44 Elk Creek Elementary to also complete an application, and the scenario on Mian Street
45 between the two schools to be described. CDOT had all the data and staff is waiting to see
46 what CDOT's conclusions are.

1 Councilor Copeland said that the trails link on the town website map was old.
2 Administrator Reynolds said that a new website was under design, and they were
3 currently doing 'live adjustments' to the site, updating much of the old information.
4 Councilor Copeland said that police have been putting abandoned vehicle stickers on cars
5 in her neighborhood that are not abandoned, and she felt that something better could be
6 done. Perhaps knock on residents' doors rather than placing obnoxious stickers on car
7 windows. Administrator Reynolds said those things are often complaint driven, and a
8 person can park their vehicle on town streets without moving them for 72 hours, then in
9 theory the police could ask that the vehicle be moved. The Police Department's policy is
10 usually to not bother with it unless there are complaints from the neighbors. Councilor
11 Copeland said there was a neighbor, but she felt there was also a point at which the police
12 could say that there was nothing illegal taking place and for people to stop calling the
13 police. Councilor Copeland said that she did not feel making people shuffle vehicles
14 around every 72 hours was necessary, particularly when there were other vehicles parked
15 for longer that are not tagged. She said perhaps the vehicle that did not move was
16 someone who was a stay-at-home mom or someone with cancer. She felt it was not
17 compassionate policing in certain cases when people are not doing anything wrong.
18 Administrator Reynolds said he would speak to the chief.
19 Mayor A Riddile said that Administrator Reynolds, Director Wenzel and himself had spoken
20 to CDOT several times, and after 6 years they were still in the process of prioritizing
21 construction projects that no one had any money for. He said they attended for the
22 roundabout, and New Castle was # 2 on one list and #3 on another. The cost of the
23 roundabout went from 8 million to 10 million dollars. However, Mayor A Riddile said that
24 the roundabout was 100% designed, and CDOT was purchasing right-of-way. He said that
25 Frisco wanted 30 million for a project but there was only 35 million available over the next
26 four years to be used between Frisco and Parachute.
27 Nonetheless, Mayor A Riddile said he was optimistic about it.

28
29 **MOTION: Mayor A Riddile made a motion to adjourn. Councilor Mariscal seconded**
30 **the motion and it passed unanimously.**

31
32 The meeting adjourned at 8:47 p.m.

33
34 Respectfully submitted,

35
36
37
38 _____
39 Mayor Art Riddile

40
41
42 _____
43 Town Clerk Melody Harrison, CMC
44

Submit to Local Licensing Authority

**HONG'S GARDEN CHINESE RESTAURANT
 635 S FEDERAL BLVD
 Denver CO 80219-2933**

Fees Due		
Renewal Fee		550.00
Storage Permit	\$100 X _____	\$
Sidewalk Service Area	\$75.00	\$
Additional Optional Premise Hotel & Restaurant	\$100 X _____	\$
Related Facility - Campus Liquor Complex	\$160.00 per facility	\$
Amount Due/Paid		\$ <u>550⁰⁰</u>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name HONG NHI A			Doing Business As Name (DBA) HONG'S GARDEN CHINESE RESTAURANT	
Liquor License # 26-40418-0000	License Type Hotel & Restaurant	Sales Tax License # 26404180000	Expiration Date 04/17/2022	Due Date 03/03/2022
Business Address 820 CASTLE VALLEY BLVD STE 106 New Castle CO 81647-9480			Phone Number 9709843298	
Mailing Address 635 S FEDERAL BLVD Denver CO 80219-2933			Email	
Operating Manager NHI A HONG	Date of Birth 02/25/78	Home Address 820 Castle Valley Blvd # 106 New Castle		Phone Number
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CO, 81647 Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease 2027				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
7. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business HONG A. NHI	Title Owner
Signature <i>[Handwritten Signature]</i>	Date 2/27/22

Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

Therefore this application is approved.

Local Licensing Authority For	Date
Signature	Title
	Attest

Tax Check Authorization, Waiver, and Request to Release Information

I, NHI A HONG am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of HONG'S GARDEN Chinese Rest. (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and its duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>NHI A HONG DBA HONG'S GARDEN</u>		Social Security Number/Tax Identification Number <u>608-02-7163</u>	
Address <u>820 Castle Valley Blvd Ste 106</u>			
City <u>New Castle</u>		State <u>CO</u>	Zip <u>81647</u>
Home Phone Number <u>626-435-5675</u>		Business/Work Phone Number <u>970-984-3298</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>NHI A HONG</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>NHI A HONG</u>			Date signed <u>2/27/22</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).

*New Castle Plaza
820 Castle Valley Blvd #202
New Castle, CO 81647*



January 20, 2021

Hong Gardens
Ann: Nhi
820 Castle Valley Blvd # 106
New Castle CO 81647

re: Consumer Price Index adjustment

Dear Nhi:


You signed your lease in January 2022 and opened for business and began paying rent March 2022. According to your lease you have an option to renew for an additional 5-year period.

Please sign below acknowledging your agreement to exercise the 5-year extension of your lease (2022 – 2027). Please return a copy to me at your convenience.

Thank you.

Sincerely,

Rue Balcomb
Property Manager for Burning Mountain Assoc LLLP

X 

Nhi A Hong

Date _____